

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

HTC Corporation and HTC America, Inc.,

Plaintiffs,

v.

Telefonaktiebolaget LM Ericsson and Ericsson Inc.

Defendants.

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Telefonaktiebolaget LM Ericsson and Ericsson Inc.,

Counterclaim Plaintiffs,

v.

HTC Corporation and HTC America, Inc.

Counterclaim Defendants.

Case No.: 6:18-cv-00243-JRG

**JURY TRIAL DEMANDED**

**PUBLIC VERSION**

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO SEVER, STAY, AND  
COMPEL ARBITRATION OF PLAINTIFFS' "PAST REFUND" CLAIMS UNDER  
PRIOR LICENSE AGREEMENTS**

Before the Court is Ericsson's Motion to Sever, Stay, and Compel Arbitration of Plaintiffs' "Past Refund" Claims Under Prior License Agreements. The Court, having considered all evidence before it, hereby **GRANTS** Ericsson's Motion to Sever, Stay, and Compel Arbitration of Plaintiffs' "Past Refund" Claims Under Prior License Agreements.

Accordingly, **IT IS SO ORDERED** that the Motion is **GRANTED**. HTC's claims for a refund of "back royalties" paid under the 2003, 2008, and 2014 licenses are hereby severed from the "go-forward" claim arising out of the parties' 2016 cross-license negotiations. Furthermore,

the “back royalties” claims are stayed pending arbitration of those claims. The “go-forward” claim will not be stayed and will proceed to trial under the current Docket Control Order.